

TO: PTO Official Fax Number COMPANY:
DEC. 20. 2006 11:43AM JOHNSON & JOHNSON

NO. 0722 P. 15

MCP-293 DIV1

REMARKS

This Supplemental Amendment is being filed so that claims 1 and 13 can be correctly identified as "currently amended", instead of "original", as provided in an earlier filed response. Applicants apologize for any confusion due to the multiple filings.

Claims 1-6, 8-20 and 40-64 are pending. Claim 7 has been incorporated into claim 1 and consequently canceled. Claims 27-39 have been canceled without prejudice to the filing of a divisional application directed to the canceled subject matter. New claims 40-51 are based on original claims 1-6 and the diameters recited on page 20 in the Specification. New claims 52-57 are based on original claims 1-6 and the subject matter of claim 10. New claims 58-64 are based on original claims 13-16 and the subject matter on diameters recited on page 20 of the Specification. No new matter has been added.

The Examiner has provisionally rejected claims 13-20 for obviousness-type double patenting in view of claims in copending application 10/743,364 ("364 Application"). Since this rejection can be overcome by a terminal disclaimer and the claims in the '364 Application are not indicated as allowable at this time, Applicants reserve the right to traverse this rejection once it is no longer a provisional rejection.

The Examiner rejects claims 1, 2, 13, 15, 17 and 19 under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 4,292,017 ("Doepel"). The Examiner rejects claims 1, 13 and 17 under 35 U.S.C. 102 as being anticipated by Soviet reference 662,370 ("SU '370"). The Examiner rejects claims 3, 14, 20 under 35 U.S.C. 103 as being unpatentable over SU '370 taken together with U.S. Patent No. 3,430,532 ("Campbell"). The Examiner rejects claims 4-6 and 16 under 35 U.S.C. 103 as being unpatentable over Doepel taken together with U.S. Patent No. 5,667,158 ("Bullock"). The Examiner rejects claims 15 and 16 under 35 U.S.C. 103 as being unpatentable over SU '370 together with Bullock. The Examiner rejects claim 12 under 35 U.S.C. 103 as being unpatentable

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over SU '370 together with U.S. Patent No. 5,273,758 ("Royce"). Applicants respectfully traverse these rejections.

The Examiner indicates that claims 7-11 would be allowable if rewritten in independent form including all of the elements of any intervening claims (none in this case). The subject matter of claim 7 relating to the flowability of the powder as measured by a recited test method has been incorporated into claims 1 and 13. Newly added claims 40-51 are based on original claims 1-6 and the orifice diameters for flowability recited on page 20 in the Specification. New claims 52-57 are based on original claims 1-6 and the subject matter of claim 10, which the Examiner indicated was allowable. New claims 58-64 are based on original claims 13-16 and the subject matter on orifice diameters for flowability recited on page 20 of the Specification. In view of these amendments, Applicants request that the Examiner reconsider and withdraw his anticipation and obviousness rejections of the pending claims.

Applicants submit that the present application is now in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the Examiner contact the undersigned representative.

Respectfully submitted,

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